THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

-

WRIT PETITION NO : 6174 of 2005

02-02-2006

Between:

Sai Mahal Centre Vuyyuru Dwellers Welfare Society, Rep. by its President G. Venkateshwara Rao
Vuyyuru Village, Vuyyuru Mandal, Krishna District.

..... PETITIONER

AND

1 The Principal Secretary, Revenue Department, Government of Andhra Pradesh, Secretariat, Hyderabad. And others.

.....RESPONDENTS

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

-

WRIT PETITION NO : 6174 of 2005

O R D E R:

-

When the vacate stay petition came up for consideration, with the consent of the parties, the writ petition itself is taken up for hearing.

In the writ petition, the action of the respondents in not considering the representation dated 19-02-2005 of the petitioner-society to issue house site pattas to them is challenged.

Sri G.Venkateswara Rao, who claimes to be the President of the petitioner-society has sworn to the writ affidavit. It is stated in the affidavit filed in support of the application that the members of the petitioner-society belong to weaker sections and they have been in possession and enjoyment of the land in RS NO.632/1 situated in Vuyyuru Village, and Mandal, Krishna District, for over 50 years. Originally, the land in question belongs to Sri Pancha Pattabhi Ramaswamy Vari Temple, Vuyyur. Allegedly, the petitioner-scoiety constructed houses on obtaining permission from the Archakas. The petitioner-scoiety submitted that their representations to the respondents seeking allotment of house sites over which they had already constructed houses. Since their applications have not been considered, a direction has been sought for in this writ petition.

Respondents 1,3, and 5 filed counter affidavit. It is stated in the counter affidavit that the land in RS No.632/1 admeasuring Ac.10.26 guntas situated in Vuyyur village and Mandal belongs to Sri Pancha Pattabhi Rama Swamy Vari Temple as per revenue records. The petitioners made representation dated 19-2-2005 to the 3rd respondent-District Collector, Krishna marking a copy to 4th and 5th respondents with a request to take appropriate action.

Since the land belongs to Devasthanam, the petitioner-society is not entitled to seek a direction to issue/alienate/allotment of house site pattas in the land in question. It is further stated in the counter affidavit that there is litigation pending between Devastanam and Archakas and one Sri Syed Raheem and 84 others in A.S.No.830 of 2001 and 266 of 2003 before the High Court of Andhra Pradesh, Hyderabad. In Paragraph-3 of the counter affidavit it is stated that the land mentioned in the writ petition belongs to Devastanam. Hence the 5th respondent-Mandal Revenue Officer, Vuyyuru is not empowered to allot the Devasthanam land to the petitioner-society.

Heard the learned counsel for both the parties.

The learned counsel for the petitioner submitted that the petitioner-society filed a representation dated 19-2-2005 to the 3rd respondent-District Collector, Krishna at Vijayawada marking a copy to the 4th and 5th respondents for assignment of the and to its members for house sites and the application of the petitioner-society has been pending and therefore necessary direction is required to the respondents to pass necessary order on the same application.

Respondents 1,3 and 5 specifically stated in their counter affidavit that the land in question belongs to the temple. Therefore, the representation made by the petitioner to the revenue authorities is a futile exercise.

In view of the fact that the land in question belongs to the temple I deem it appropriate to dispose of the writ petition giving liberty to the petitioners to approach the 4th respondent-Commissioner Endowments, Boggulakunta, King Koti, Hyderabad seeking for allotment of house sites, over which the members of the petitioner-society allegedly put up construction.

With the above direction, the writ petition is disposed of. No costs.

02-02-2006

Mjl/*